

Case PRE/ACCC/C/2023/199 concerning Ireland
Statement on admissibility from the Communicant

7 June 2023

1. This written statement is made pursuant to paragraph 104 of the Guide to the Aarhus Convention Compliance Committee¹ in relation to the hearing on preliminary admissibility to be held on 13 June 2023 at the 79th meeting of the compliance committee.
2. In the communicant's view the communication is admissible since it is
 - a. Not anonymous
 - b. Not an abuse of the right to make a communication
 - c. Not manifestly unreasonable
 - d. Compatible with the provisions of decision I/7 and with the Convention
 - e. Supported by corroborating evidence
3. In addition, the events giving rise to the communication are current and ongoing and therefore relate to events which occurred since the Convention came into force for Ireland. Equally, Ireland is a Party which has not opted out of having communications from the public concerning its compliance considered by the Committee.
4. In relation to the Committee's obligation to take into account any available remedies, it is the Communicants' view as articulated at paragraphs 91 to 98 of the communication that the Party concerned does not provide effective and sufficient means of redress for the alleged systemic non-compliance which transcends individual decisions, and which is manifest across at least 32 public authorities and virtually all appeals to the Commissioner for Environmental Information.
5. The communicant asks the committee to also take into account that some of the non-compliance alleged in this communication has already been the subject of concluded communications concerning compliance by Spain² and Moldova³ as set out at paragraphs 9 to 16 of the communication.
6. The Party concerned is or ought to be aware of these cases and therefore ought to have identified similar non-compliance in its own system but has not done so. It is appropriate for the committee, therefore, to take into account the fact that the Party concerned has not acted on earlier compliance committee cases which identified similar non-compliance in its own implementation of the Convention.
7. Finally, in correspondence dated 29 March 2023, the communicant sought to engage with the Party concerned in advance of making the communication. The communicant sought engagement on the substance of the communication and also identified its position on the use of domestic remedies and specifically asked the Party concerned to comment on its view on the effectiveness of available remedies. No substantive response was received to this correspondence. The committee is asked to have regard to this when considering preliminary admissibility.

¹ Second edition, May 2019

² ACCC/C/2008/24

³ ACCC/C/2015/147